

WEST VALLEY CITY, UTAH

ORDINANCE NO. _____

Draft Date: 6/4/2009
Date Adopted: _____
Date Effective: _____

ORDINANCES AMENDING TITLE 7, 17 AND 21 OF THE WEST VALLEY CITY MUNICIPAL CODE TO REFLECT THE CHANGES IN STATE LAW REGARDING ALOCHOL.

WHEREAS, the state laws regarding alcohol were amended in the 2009 Legislative Session; and

WHEREAS, Titles 7, 17 and 21 of the West Valley City Code must be amended to reflect the changes in state law regarding alcohol; and

WHEREAS, the City Council of West Valley City, Utah, hereby determines that it is in the best interests of the citizens of West Valley City to amend Titles 7, 17 and 21 of the West Valley Municipal Code;

NOW, THEREFORE, BE IT ORDAINED by the City Council of West Valley City, Utah, as follows:

Section 1. Amendment. Title 7, 17 and 21 of the West Valley Municipal Code are hereby amended as follows:

7-1-103. DEFINITIONS.

(38) **“Club” License** shall mean a license issued pursuant to Chapter 5, Title 32A, UCA as amended and subject to the applicable provisions of the Alcoholic Beverage Control Act. A Club License means and includes a “Dining Club License,” “Equity Club License,” “Fraternal Club License,” and “Social Club License” as defined herein.

(a) **Dining Club License** shall entitle the licensee to sell and allow the consumption of alcoholic beverages on premises determined by the commission to meet the requirements in Chapter 5, 32A, Section 101(3)(a)(ii)(C) and maintains at least 50% of its total club business from the sale of food, not including: mix for alcoholic beverages or service charges.

(b) **Equity Club License** shall entitle the licensee to sell and allow the consumption of alcoholic beverages on premises that is organized and operated solely for social, recreational, patriotic, or fraternal purposes and:

- (i) has members and limits access to a member or a guest of the member
- (ii) owns, maintains, or operates a substantial recreational facility in conjunction with a club house such as a golf course or tennis facility; and
- (iii) has at least 50% of the total membership having full voting rights and an equal share of the equity of the club or one class of membership with the same.

(c) **Fraternal Club License** shall entitle the licensee to sell and allow the consumption of alcoholic beverages on premises that is organized and operated solely for social, recreational, patriotic, or fraternal purposes and;

- (i) has members and limits access to a member or a guest of a member; and

- (ii) has no capital stock and exists solely for the benefit of its members and their beneficiaries for a lawful social, intellectual, educational, charitable, benevolent, moral, fraternal, patriotic, or religious purpose carried on through voluntary activity of its members in their local lodges; and
- (iii) has a representative form of government and lodge system in which there is a supreme governing body. Local lodges subordinate to the supreme governing body, however designated, may admit members in accordance with the laws of the fraternal. Local lodges are required by the laws of the fraternal to hold regular meetings at least monthly and regularly engage in programs involving member participation to implement the purposes in (c)(ii) of this Section. Local lodges shall own or lease building space for lodge activities.

(d) **Social Club License** means a license that does not meet the requirements of a Dining Club, Equity Club or Fraternal Club License or seeks to qualify as a Social Club and is approved by the commission as such.

~~(38)~~(39) "Collector Street" means a street which carries traffic from minor streets to the arterial street system, including the principal entrance streets of residential developments and the primary circulating streets within such developments.

~~(39)~~(40) "Commercial" means any use involving the exchange, buying, or selling of goods or services for gain or economic profit.

~~(40)~~(41) "Commercial Complex" means two or more commercial uses, whether on one lot under one ownership or on several adjacent lots under separate ownership, which are dependent on one another to meet minimum standards for parking, vehicular circulation, or landscaping; or which are approved as elements in an overall site plan under a conditional use or subdivision application.

~~(41)~~(42) "Community and Economic Development Department" means the Community and Economic Development Department of West Valley City.

~~(42)~~(43) "Community Use" means uses which have the primary purpose of serving the educational, recreational, religious, or governmental needs of the community in general. Such uses may include churches, public and private educational institutions, private non-profit recreation grounds, public parks, public buildings, public facilities, cemeteries, and other similar uses. This definition shall not include detention facilities, half-way houses, alcohol rehabilitation centers, and other similar uses, or buildings that provide lodging or serve as a residence in addition to the community use.

~~(43)~~(44) "Concert" means an assembly of 125 or more patrons at any given time at a reception center, concert venue, concert hall, dance hall, ~~private club~~ **licensee** or any other location, one-time or recurring, where the predominant purpose is to provide musical performances or any other form of indoor or outdoor public recreation (see definitions) or community event (see definition) for which tickets are sold or entry fees are charged.

Renumber current No. 44 up to current No. 140

~~(140)~~(141) "Package Agency" means a retail liquor location operated under a contractual agreement with the Utah State Department of Alcoholic Beverage Control by a person other than the State who is authorized to sell package liquor for consumption off the premises of the Agency. Package agencies are generally operated as an accessory use to a restaurant, ~~or private dining, or social club~~.

Renumber current No. 140 up to current No. 153

~~(153)~~ "Private Club" means a social club, recreational or athletic association or kindred association, incorporated or not, which maintains clubrooms, regular meeting rooms or facilities within the City limits, restricts such facilities and activities to a clientele or group other than the general public

and operates under the provisions of Chapter 5, Title 32A, U.C.A., 1953, as amended, the Alcoholic Beverage Control Act (ABCA) and the West Valley City Code

(154) ~~"Private Nonprofit Club" means a social club, recreational, fraternal, athletic or kindred association incorporated and regulated under the provisions of Chapter 6, Title 16, U.C.A. 1953, as amended, the Utah Liquor Control Act, and the West Valley City Code.~~

(155)(154) "Private Nonprofit Recreational Grounds and Facilities" means nonprofit recreational grounds and facilities operated by an association incorporated under the provisions of the Utah Nonprofit Corporation and Cooperation Act or a corporation sole.

Renumber current No. 155 up to current No. 187

(187)(186) "State Store" means an outlet for the sale of package liquor located on premises owned or leased by the State of Utah and operated by State Employees. This term does not apply to restaurants, ~~private clubs~~ club licensees, or package agencies.

Renumber current No. 187 to the end of definitions ending on No. 220

CHAPTER 7-6 ZONES AND DISTRICTS

Sections:

7-6-1012. Additional Regulations of Restaurants, Dance Halls, Concert Halls, Reception Centers and ~~Private Clubs~~ Club Licensees.

7-6-1108. Additional Regulations of Restaurants, Dance Halls, Concert Halls, Reception Centers and ~~Private Clubs~~ Club Licensees.

7-6-1002. SCHEDULE OF USES.

	Use	C-1	C-2	C-3
32.	Private club Equity Club, Fraternal Club, Social Club	X	C	C
38.	a. Restaurant Liquor Retailer, Dining Club	X	C	C
	b. Brew Restaurant, Brew Restaurant and Liquor Retailer, Small Brewer	X	C	C
	c. Manufacturer of Alcoholic Products	X	X	X

7-6-1012. ADDITIONAL REGULATION OF RESTAURANTS, DANCE HALLS, CONCERT HALLS, RECEPTION CENTERS AND ~~PRIVATE CLUBS~~ CLUB LICENSEES.

(1) It is unlawful for the keeper, manager or person in charge of any restaurant, dance hall, concert hall reception center or ~~private club~~ licensee to permit any singing, dancing, Indoor or Outdoor Public Recreation, playing of musical instruments or any other form of amusement or entertainment to be carried on the premises when the closest point of the building is within 500 of feet of any residential property line after ten o'clock P.M. (10:00) P.M. and before six o'clock (6:00) A.M. This restriction should be extended to two o'clock (2:00) a.m. on January 1 of year for New Year's Day.

7-6-1108. ADDITIONAL REGULATION OF RESTAURANTS, DANCE HALLS, CONCERT HALLS, RECEPTION CENTERS AND ~~PRIVATE CLUBS~~

CLUB LICENSEES.

(1) It is unlawful for the keeper, manager or person in charge of any restaurant, dance hall, concert hall reception center or ~~private club~~ **licensee** to permit any singing, dancing, playing of musical instruments or any other form of amusement or entertainment to be carried on the premises when the closest point of the building is within 500 feet of any residential property line after ten o'clock P.M. (10:00) P.M. and before six o'clock (6:00) A.M. This restriction should be extended to two o'clock (2:00) a.m. on January 1 of year for New Year's Day.

7-6-1505. DEVELOPMENT CHARACTERISTICS.

Hotel/Entertainment

- Hotels - Rooms off interior corridors
- Recreation - Indoor/Outdoor
- Restaurants and ~~Private Clubs~~ **Club Licensees** - without drive up windows
- Restaurants - with drive up windows
- Movie Theaters - Indoor
- Performing Art Theater - Indoor/Outdoor
- Health Clubs

7-9-104. COMPUTATION OF OFF-STREET PARKING SPACES.

USE	MINIMUM OFF-STREET PARKING REQUIREMENT	MAX % COMPACT USES ALLOWED	NOTES
Dance Halls, Concert Halls, Private Clubs Club Licensees , Reception Centers and other places of public assembly.	1 space for each 50 square feet of gross floor area.	25%	

17-1-105. BUSINESS LICENSE APPLICATION.

The West Valley City Business Licensing Application shall be in such format and require such information as the License Officer deems necessary to enforce this Title, including but not limited to:

- (1) The name, social security number, date of birth and home address of the person applying for the license;
- (2) The registered name of the business, if applicable;
- (3) The Federal Tax Number of the corporation, if applicable;
- (4) The type of business to be engaged in;
- (5) The class **type** of license desired, if the type of license is divided into classes;

17-2-101. DEFINITIONS.

- (1) **Alcoholic beverages** means and includes "beer" and "liquor," as they are defined herein.
- (2) **Beer** means all products that contain at least .5% of alcohol by volume, but not more than 4% of alcohol by volume or 3.2% by weight, ~~63/100 of 1 percent of alcohol by volume of 1/2 of 1 percent of alcohol by weight, but not more than 4 percent of alcohol by volume of 3.2 percent by weight,~~ and are obtained by fermentation, infusion, or decoction of any malted grain. Beer may or may not contain hops or other vegetable products. Beer includes products referred to as malt liquor, malted beverages or malt coolers, but does not include flavored malt beverages and does not include heavy beer as defined herein.
- (3) **A Brew Restaurant License** shall entitle the licensee to sell beer in connection with a bona fide restaurant where the revenue from the sale of beer is less than 30 percent of the gross dollar

volume. A Brew Restaurant is also licensed to brew beer in batch sizes that provide enough beer for the sale and consumption on site in connection with the restaurant, or for retail carry-out sale in containers holding less than two liters.

(4) **“Club” License** shall mean a license issued pursuant to Chapter 5, Title 32A, UCA as amended and subject to the applicable provisions of the Alcoholic Beverage Control Act. A Club License means and includes a “Dining Club License,” “Equity Club License,” “Fraternal Club License,” and “Social Club License” as defined herein.

(a) **Dining Club License** shall entitle the licensee to sell and allow the consumption of alcoholic beverages on premises determined by the commission to meet the requirements in Chapter 5, 32A, Section 101(3)(a)(ii)(C) and maintains at least 50% of its total club business from the sale of food, not including: mix for alcoholic beverages or service charges.

(b) **Equity Club License** shall entitle the licensee to sell and allow the consumption of alcoholic beverages on premises that is organized and operated solely for social, recreational, patriotic, or fraternal purposes and:

(i) has members and limits access to a member or a guest of the member

(ii) owns, maintains, or operates a substantial recreational facility in conjunction with a club house such as a golf course or tennis facility; and

(iii) has at least 50% of the total membership having full voting rights and an equal share of the equity of the club or one class of membership with the same.

(c) **Fraternal Club License** shall entitle the licensee to sell and allow the consumption of alcoholic beverages on premises that is organized and operated solely for social, recreational, patriotic, or fraternal purposes and;

(i) has members and limits access to a member or a guest of a member; and

(ii) has no capital stock and exists solely for the benefit of its members and their beneficiaries for a lawful social, intellectual, educational, charitable, benevolent, moral, fraternal, patriotic, or religious purpose carried on through voluntary activity of its members in their local lodges; and

(iii) has a representative form of government and lodge system in which there is a supreme governing body. Local lodges subordinate to the supreme governing body, however designated, may admit members in accordance with the laws of the fraternal. Local lodges are required by the laws of the fraternal to hold regular meetings at least monthly and regularly engage in programs involving member participation to implement the purposes in (c)(ii) of this Section. Local lodges shall own or lease building space for lodge activities.

(d) **Social Club License** means a license that does not meet the requirements of a Dining Club, Equity Club or Fraternal Club License or seeks to qualify as a Social Club and is approved by the commission as such.

(5) **Flavored Malt Beverage** means a beverage that contains at least .5% of alcohol by volume; that is treated by processing, filtration, or another method of manufacture that is not generally recognized as a traditional process in the production of a beer as described in 27 C.F.R. Sec. 25.55; or that is not exempt under Subdivision (f) of 27 C.F.R. Sec. 25.55.

(6) **Heavy Beer** means a product that contains more than 4% alcohol by volume and is obtained by fermentation, infusion, or decoction of malted grain. Heavy beer is considered “liquor” for the purposes of this Title.

(7) **Intoxicated** means that a person is significantly impaired as to the person’s mental or physical functions as result of the use of: (a) an alcoholic beverage; (b) a controlled substance; (c) a substance having the property of releasing toxic vapors; or (d) a combination of (6) (a)-(c); and exhibits

plain and easily observed outward manifestations of behavior of physical signs produced by the over consumption of an alcoholic beverage.

~~(4)~~(8) **Licensed Premises** means any room, enclosure, building, structure or place occupied by a person licensed to sell and/or permit the consumption of alcoholic beverages on such premises under this Chapter.

~~(5)~~(9) **Liquor** means and includes alcohol, or any alcoholic, spirituous, vinous, fermented, malt or other liquid or combination of liquids, part of which is spirituous, vinous, or fermented, and all drinks or drinkable liquids, ~~containing more than one half of one per centum of alcohol by weight; and all mixtures, compounds, or preparations, whether liquid or not, which contain more than one half of one per centum of alcohol by weight and which are capable of human consumption;~~ except that the term "liquor" shall not include "beer" as herein defined.

~~(6)~~(10) **Nuisance** means any licensed premise where:

~~(7)~~(11) An **Off-Premises Beer Retailer License** shall entitle the licensee to sell beer on the licensed premises in original sealed containers of a size not to exceed two liters, for consumption off the premises.

~~(8)~~ **Private Club License** shall be deemed to be the license provided for in Chapter 5, Title 32A, UCA as amended, subject to the applicable provisions of the Alcoholic Beverage Control Act. This license also entitles the licensee to sell beer on the licensed premises in containers of a size not to exceed two liters capacity, for consumption on the licensed premises.

~~(9)~~(12) A **Recreational Facility Beer License** shall entitle the licensee to sell beer and permit consumption thereof at recreational facilities, excluding public parks. Under this license, no beer shall be sold in the original containers, but must be first emptied into suitable temporary containers. All sales and deliveries under this license shall be made directly to the ultimate consumer. No beer shall be permitted or consumed, except that which is purchased on the licensed premises.

~~(10)~~(13) **Restaurant** means a place of business where a variety of hot food is prepared and cooked and complete meals are served to the general public in connection with indoor dining accommodations.

~~(11)~~(14) **Restaurant Liquor License** means a Restaurant that holds or will apply for a State liquor license subject to the requirements in the Alcoholic Beverage Control Act.

~~(12)~~(15) A **Restaurant On-Premises Beer Retailer License** shall entitle the licensee to sell beer, not to exceed 30 percent of the gross dollar volume from the sale of beer and food for any six-month period during any license year, on the licensed premises, in containers of a size not to exceed two liters, for consumption on the licensed premises. Only restaurants shall be entitled to Restaurant On-Premises Beer Retailer Licenses.

~~(13)~~(16) **Sell or To Sell** means to solicit, or to receive any order for, to keep or expose for sale, to deliver for value or gratuitously, to peddle, to possess with intent to sell, to traffic in for any consideration promised or obtained directly or indirectly or under any pretext or by any means whatsoever to procure or to allow to be procured for any other person, and "sale" when so used shall include every act of selling as above defined.

~~(14)~~(17) **Small Brewer License** means a licensed Brew Restaurant with or without a liquor license which, in addition to retail sale and on-site consumption in connection with a restaurant, markets beer wholesale in an amount not to exceed sixty thousand (60,000) barrels per year where revenue from the sale of beer is less than 30 percent of the gross dollar volume, including what is commonly known as a microbrewery.

~~(15)~~(18) **State Store** means an outlet for the sale of liquor located on premises owned or leased by the State of Utah.

~~(16)~~(19) A **Tavern License** shall be required for all premises where the primary or main business is that of selling beer for consumption on the licensed premises. The licensee shall be entitled to sell beer in containers of a size not to exceed two liters.

17-2-102. ALCOHOLIC BEVERAGE LICENSES REQUIRED.

(1) It shall be unlawful for any person to sell an alcoholic beverage at retail and/or permit the consumption of an alcoholic beverage on any business premises, unless such person is licensed for such sale and/or consumption in accordance with this Chapter. A separate license shall be required for each place of business. Each day of noncompliance shall constitute a separate violation.

17-2-103. ALCOHOLIC BEVERAGE LICENSE APPLICATIONS.

The West Valley City Alcohol Beverage License Application shall be in such format and require such information as the License Officer deems necessary to enforce this Title, including but not limited to:

- (4) The ~~class~~ type of license desired;

17-2-106. RENEWAL OF LICENSES.

(2) Upon receipt of the application, fees, and applicable City Police Department approval, the Business License Division shall be authorized to prepare and issue a certificate of license as provided in this Chapter.

17-2-107. PAYMENT DATES OF LICENSE FEES.

(2) Alcoholic beverage license fees for renewal licenses shall be due and payable on or before the annual renewal date. If the fee is not paid, then the business shall be considered to be operating without a license in violation of Section 17-2-102 subject to criminal prosecution and civil penalties for every day of operation on or after the annual renewal date. If a license is not renewed prior to the annual renewal date, as set forth in this Section, and the business applies for an alcohol license on or after the annual renewal date, the application shall be for a new license and the fee shall be doubled. Taverns that have not paid all fees and penalties and completed renewal prior to the annual renewal date shall, pursuant to Section 17-2-118, not be granted a new license under any circumstances whatsoever.

17-2-115. SALE AND CONSUMPTION HOURS.

(3) Restaurants, Brew Restaurants, and Small Brewers ~~which have liquor licenses~~ shall not sell, offer to sell, furnish, supply or permit the consumption of liquor or beer after 12:00 midnight and before 12:00 noon; ~~or on the day of any State or national election, municipal, special district or school election but only within the boundaries of the municipality, special district and school district until after the time when the polls are closed.~~

(4) ~~Private clubs~~ Club Licensees shall not sell, offer to sell, furnish, supply or permit the consumption of liquor or beer on Sundays; ~~or on any other day between the hours of 1:00 a.m. and 10:00 a.m.; or on the day of any State, municipal, special district or school election but only within the boundaries of the municipality, special district and school district or national election until after the time when the polls are closed.~~

17-2-116. REGULATIONS RELATING TO MINORS.

(3) It shall be unlawful and shall constitute an offense of strict liability for any Tavern licensee to employ or use the services of any minor in the licensed premises or for any other licensee to employ or use the services of any minor in or on that portion of any licensed premises, during business hours which are primarily designed, intended, and used for the sale and serving of alcoholic beverages for consumption on the premises. Minors may be employed by Restaurant On-Premises Beer Retailer, Brew Restaurant, Small Brewer or Private Club licensees or nonprofit club licensees as entertainers, kitchen staff, bus boys, waiters, waitresses, and maintenance personnel, provided such minor employees do not enter on that portion of the premises primarily intended for the sale, consumption or manufacture of alcoholic beverages in the performance of employment duties. Minors are permitted only on the portions of the premises primarily intended for cooking the meals or for dining. The physical structure of the premises shall be such that no minor employee shall enter the portion of the premises primarily intended

for the sale, consumption or manufacture of alcoholic beverages in the performance of employment duties and such entry by a minor employee is hereby prohibited. This Section shall not be construed to allow any minor on that portion of the Restaurant On-Premise Beer Retailer, Brew Restaurant, Small Brewer or ~~Private~~ Club intended primarily for the sale, consumption or manufacture of alcoholic beverages for any reason whatsoever.

(4) It shall be unlawful and shall constitute an offense of strict liability for any licensee to permit a minor to enter and remain on the licensed premises or any portion thereof which is intended for the consumption, sale or manufacture of alcoholic beverages. This Section shall not be construed to prohibit minors from eating meals in a restaurant, Brew Restaurant or Small Brewer or ~~private~~ club on that portion of the premises which is primarily intended for the serving of meals. Any portion of a ~~private~~ club which is primarily intended for the serving of meals and which shall admit minors as patrons shall have the dining area clearly designated by signs and by physical barriers or walls which separate persons in the dining area from that portion of the premises intended primarily for the consumption and sale of alcoholic beverages. Restaurants, Brew Restaurants and Small Brewers which have portions of the premises intended primarily for the consumption and sale of alcoholic beverages shall also have the signs and barriers described above. Should minors be admitted, entrance to and exit from the dining areas shall be by route other than through that portion of the premises primarily intended for consumption and sale of alcoholic beverages.

(5) Before selling any alcoholic beverage to a person or permitting a person to enter any licensed premise or portion thereof where a minor is prohibited, all licensees shall ascertain the age of the person in accordance with Chapter 1, Title 32A, Section 304.5, UCA as amended and by requiring the person to present a valid driver's license or other form of identification containing a picture of the person, his date of birth, height, weight, and color of hair and eyes.

17-3-110. LICENSING AFTER REVOCATION.

A person, whose license has been revoked, may not be issued a license for a period of 12 months after the revocation. A person whose license has been revoked may not operate exclusively on any license from the state that requires the consent of the local jurisdiction.

17-5-101. DEFINITIONS.

(1) **Alcohol Establishment** means a Restaurant On-Premises Beer Retailer, Tavern, Recreational Facility Beer Outlet, Brew Restaurant, Small Brewer, or ~~Private~~ Club as defined in Chapter 2 of this Title.

(2) **Band** means any paid or unpaid musical group which entertains patrons of alcohol establishments.

(3) **Booking Agent** is any person furnishing booking or employment services for a tavern dancer, band or other entertainers.

(4) **Division Commander** means the Administrative Services Commander of the West Valley City Police Department.

(5) **Employees of Alcohol Establishments** means all paid and unpaid persons performing or providing services as waitresses, barmaids, doormen, bartenders, parking attendants, persons checking I.D., tavern dancers, bands or other entertainers, or any other service or function in an alcohol establishment. For Restaurant On-Premises Beer Retailers and Recreational Facility Beer Outlets, the term "employee(s)" shall include only those persons who work in the portion of the premises primarily intended for the sale and/or consumption of alcoholic beverages. For non-sales alcoholic beverage licensed premises, the term "employee(s)" shall include only those paid employees of the licensee directly involved in the distribution, serving or handling of alcoholic beverages.

(6) **Entertainer** means any band or any paid or unpaid person who conducts any type of performance before the patrons of an alcohol establishment. For purposes of this Chapter "entertainer" does not include a tavern dancer.

(7) **Mingling** means the circulating, mixing or contact or close, face-to-face conversation between tavern dancers and patrons of the alcohol establishment or ~~Private Club~~.

(8) **Tavern Dancer** means any person, paid or unpaid, who entertains or performs before patrons of ~~alcohol establishments~~ a tavern or social club through use of movement of their body, including but not limited to, dancers, strippers, mud wrestlers and participants in a wet t-shirt or wet underwear contest.

17-5-104. CARDS REQUIRED.

All employees of alcohol establishments shall have in their possession a valid police I.D. card, which card is not transferable. ~~Employees of alcohol establishments and shall not commence work in any alcohol establishments~~ prior to receiving said card based on the application required in this Chapter. A receipt for payment of the police I.D. fee required by this Chapter shall not constitute a valid police I.D. card.

21-6-110. LEWDNESS.

(1) A person is guilty of lewdness if he performs an act of sexual intercourse or sodomy, exposes his or her genitals or private parts, masturbates, engages in trespassory voyeurism, or performs any other act of lewdness in a public place or under circumstances which he or she should know will likely cause affront or alarm.

(2) Lewdness is a class "B" misdemeanor.

(3) As used in this Section:

(a) Public Place means any place to which the public or a substantial group of the public has access; or a place open to public view; or a place capable of observance by the public. It includes commercial establishments and any place to which admission is gained by payment or a membership or admission fee, however designated, notwithstanding its being designated a ~~private club~~ licensee or by words of like import.

Section 2. Repealer. Any provision of the West Valley City Code found to be in conflict with this Ordinance is hereby repealed.

Section 3. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 4. Effective Date. This Ordinance shall take effect immediately upon posting in the manner required by law.

PASSED and APPROVED this _____ day of _____, 2009.

WEST VALLEY CITY

MAYOR

ATTEST:

CITY RECORDER